

**Retention and Disposal Authority for Records of Adult Parole Board**

Authority number: PROS 12/03 VAR 1



PROS 12/03 VAR 1

**Retention and Disposal Authority for Records of  
Adult Parole Board**

Status Date: 17/12/2021

## **Retention and Disposal Authority for Records of Adult Parole Board**

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### **Public Records Act 1973 (Section 12)**

### **Retention and Disposal Authority for Records of the Office of the Adult Parole Board**

### **Public Record Office Standard (PROS) 12/03**

#### **Variation 1:**

In accordance with section 12 of the Public Records Act 1973 (as amended), I hereby vary the Standard applying to the records of the Adult Parole Board, issued as Public Record Office Standard (PROS) 12/03 on 13/03/2012, as follows:

Increasing the minimum retention period for classes 2.1.4 and 2.1.5 from 50 years to 99 years.

Extension of the application of this Standard until varied or revoked.

This Variation shall have effect from its date of issue.

[approved]

Justine Heazlewood  
Director and Keeper of Public Records

Date: 17 December 2021

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## Glossary of Terms

### Correctional Centre

A place operated by or for Corrections Victoria to deliver correctional services. Includes prisons, remand centres, community correctional centres and reception/assessment centres.

### Correctional Order

A correctional order is defined under the Corrections Act 1986 as including:

- a community-based order;
- a community work permit within the meaning of the Infringements Act 2006;
- a parole order;
- an intensive correction order;
- a supervision order under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 that includes a condition with respect to the supervision of the person subject to the order by a community corrections officer;
- a combined custody and treatment order;
- a drug treatment order;
- a home detention order.

### Custody (within Corrections Victoria)

The detention of a person subject to a custodial correctional order.

### Offender

A person of any age who is the subject of a correctional order. They have been found guilty of an offence against the law and have been ordered to serve either a community based or custodial sentence.

Notes on Usage: This term is the 'global' or 'default' term. It's used where the sentencing status of the person is not clear (e.g. they have been found guilty but are yet to be sentenced).

It is also used to refer to people who are the subject of a non-custodial order (community based order), or groups of people who may be the subject of either a custodial or non-custodial order.

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In some cases the term may be used to refer to someone who has completed a custodial sentence e.g. 'sex offender'. This is for consistency with the relevant Acts.

### **Emergency Declarations**

Given using the 'Emergency Power of Direction' vested in the Adult Parole Board by Section 120 of the Serious Sex Offenders (Detention and Supervision) Act 2009. The Adult Parole Board may issue an emergency declaration consisting of directions that are inconsistent with or not provided for within an Extended Supervision Order in situations where:

- there is an imminent risk of harm to the offender or the community; or
- accommodation specified by the court as a condition of the order becomes unavailable;

and the Adult Parole Board believes on reasonable grounds that because of the urgency of the situation it is not practicable for an application to be made to the court for a variation of the conditions of the supervision order. An Emergency Declaration ceases to have effect 72 hours after it is given.

### **Extended Supervision Orders**

Prior to the release of a sex offender, the Secretary can apply to have an Extended Supervision Order made by the court in circumstances where the Secretary believes that without such an order being made there is a high degree of probability that the offender will commit a relevant offence\* if released in the community on completion of the service of any custodial sentence that he or she is/was serving.

\*A relevant offence is an offence listed in schedule 1 of the Serious Sex Offenders (Detention and Supervision) Act 2009.

An Extended Supervision Order allows the Secretary to impose conditions on the offender including where they may reside, curfews, who they may associate with, limits on occupations/employment they may undertake (e.g. no work with children), treatment/counselling/rehabilitation they must undertake, reporting to Corrections Victoria/Adult Parole Board/Victoria Police that must be complied with etc. Further detail on the conditions imposed under an Extended Supervision Order can be found in Sections 15 and 16 of the Serious Sex Offenders (Detention and Supervision) Act 2009.

The Adult Parole Board is responsible for monitoring and reviewing the progress of offenders on such orders.

### **Home Detention Orders**

The Adult Parole Board is able to make a Home Detention Order for an offender yet to complete their prison sentence providing they meet the conditions stipulated in Part 4 of Division 8 of the Corrections Act 1986. The order allows the offender to complete their sentence at premises outside of a prison.

The order contains a number of conditions which must be met and maintained if the offender is to continue in home detention. These are outlined in Section 60J of the Act. The order may be revoked if the offender fails to meet/breaks the conditions, or if another person residing at the premises withdraws their agreement.

### **Parole**

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The supervised release of a prisoner before the completion of their custodial correctional order. The intention of parole is to assist in the re-integration of the prisoner into society in circumstances that monitor their progress and attempt to reduce their likelihood of re-offending. Terms and conditions are imposed upon the prisoner, which if violated may result in the return of the prisoner to custody for the remainder of the correctional order. Terms and conditions imposed may include obeying the law, refraining from drug and alcohol use, avoiding contact with the parolee's victims, obtaining employment, and maintaining required contacts with a parole officer. Additional terms and conditions specific to the prisoner and their offence/offending behaviour may also be imposed.

### **Parole Order**

An order issued by the Adult Parole Board (APB) to release a prisoner serving a prison sentence, provided the prisoner undertakes to abide by any terms and conditions imposed by the APB as part of the order.

### **Parole Period**

Defined under the Corrections Act 1986 as being a period beginning on the day on which a person is released from prison on parole and ending at the end of the person's prison sentence.

A further definition is the period beginning on the day a prisoner is released into society under a parole order and ending on the day the relevant custodial correctional order expires (i.e. their sentence ends), or on the day on which the parole order is revoked and the prisoner returned to custody to complete the remainder of their custodial sentence.

### **Prison**

A place of detention listed in Schedule 2 of the Corrections Act 1986.

### **Prisoner**

Defined under the Corrections Act 1986 as being a person who is deemed to be in the legal custody of the Secretary (of the Department of Justice (i.e. is the subject of an imprisonment order made by a court and is not also the subject of an order that requires them to be in the community.)

### **Release/Custodial Release**

Release is defined as the removal of any obligations placed upon a person by a correctional order. Custodial release is defined as the removal of any obligations placed upon a person by a custodial correctional order (i.e. the person is no longer required to remain in custody.)

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## Retention and Disposal Authority for Records of Adult Parole Board

<b>Retention and Disposal Authority No</b>	PROS 12/03 VAR 1
<b>Scope</b>	
<b>Status</b>	Issued by Keeper
<b>Issue Date</b>	17 December 2021

## Retention and Disposal Authority for Records of Adult Parole Board

**Authority number: PROS 12/03 VAR 1**

**List of Functions and Activities covered**

<b>Reference</b>	<b>Function</b>	<b>Activity</b>	<b>Page</b>
1	GUIDELINE DEVELOPMENT		13
1.1		Development of Parole Guidelines	13
2	OFFENDER CASE MANAGEMENT		13
2.1		Offender Monitoring and Management	13

[For records of the establishment of the Adult Parole Board, see the General Retention & Disposal Authority for Records of Common Administrative Functions]

[For records of minutes and reporting of the Adult Parole Board, see the General Retention & Disposal Authority for Records of Common Administrative Functions]

[For applications from prisoners in custody, see the Retention & Disposal Authority for Corrections Victoria]

[For records of name changes, see the Retention & Disposal Authority for Records of the Registry of Births, Deaths and Marriages]

[For records of the establishment of the Youth Parole Board, see the Retention & Disposal Authority for Records of the Youth Parole and Youth Residential Boards]



# Retention and Disposal Authority for Records of Adult Parole Board

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## Introduction

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### Purpose of this Authority

The purpose of this Authority is to provide a mechanism for the disposal of public records in accordance with the *Public Records Act 1973*. The Authority:

- identifies records which are worth preserving permanently as part of Victoria's archival heritage
- prevents the premature destruction of records which need to be retained for a specified period to satisfy legal, financial and other requirements of public administration, and
- authorises the destruction of those records not required permanently.

### Context of this Authority

#### Public Record Office Victoria Standards

This Authority should be used in conjunction with the Standards issued by the Keeper of Public Records under Section 12 of the *Public Records Act 1973*. Copies of all relevant PROV standards, specifications and regulatory advice can be downloaded from [www.prov.vic.gov.au](http://www.prov.vic.gov.au). These documents set out the procedures that must be followed by Victorian public offices.

#### Disposal of records identified in the Authority

Disposal of public records identified in this Authority must be undertaken in accordance with the requirements of Public Record Office Standard PROS 10/13 *Disposal*.

It is a criminal offence to unlawfully destroy a public record under s 19(1) of the *Public Records Act 1973*.

The destruction of a public record is not unlawful if done in accordance with a Standard established under s 12 of the *Public Records Act 1973*.

This Standard (also known as an Authority) authorises the disposal of public records as described within its provisions. However, disposal is **not** authorised under this Standard if it is reasonably likely that the public record will be required in evidence in a current or future legal proceeding.

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For the purposes of this Retention and Disposal Authority, a 'legal proceeding' has the same meaning as the *Evidence (Miscellaneous Provisions) Act 1958*, and includes any civil, criminal or mixed proceeding and any inquiry in which evidence is or may be given before any court or person acting judicially, including a Royal Commission or Board of Inquiry under the *Inquiries Act 2014*.

If the public office identifies that public records must be retained under other applicable legislation for a period that exceeds the retention period specified under the Standards, then the longer retention period must apply.

### **Normal Administrative Practice**

The destruction of some public records is permitted without final authorisation under normal administrative practice (NAP). NAP covers the destruction of ephemeral material of a facilitative nature created, acquired or collected by public officers during the course of their duties.

The following material may be destroyed under NAP:

- working papers consisting of rough notes and calculations used solely to assist in the preparation of other records such as correspondence, reports and statistical tabulations
- drafts not intended for retention as part of the office's records, the content of which has been reproduced and incorporated in the public office's record keeping system
- extra copies of documents and published material preserved solely for reference.

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### **Transfer of records to Public Record Office Victoria**

Contact Public Record Office Victoria for further information on procedures for transferring permanent records to archival custody.

### **Use of Other Authorities**

In applying the disposal sentences set out in this Authority, reference should be made to other current Authorities where applicable. Where there is a conflict between two Authorities (for instance this Authority and the General Retention and Disposal Authority for Records of Common Administrative Functions), consult the Public Record Office Victoria for advice.

### **Explanation of Authority Headings**

#### **Class Number**

The class number or entry reference number provides citation and ease of reference.

#### **Description**

The description of each record class is specified in this entry. A record class is a group of records that relate to the same activity, function or subject and require the same disposal action.

#### **Status**

This entry provides the archival status of each class - either permanent or temporary.

#### **Custody**

This entry specifies whether the records are to be retained by the public office or transferred to the Public Record Office Victoria. Permanent electronic records are to be transferred in VERS Encapsulated Object (VEO). The storage of public records identified in this Authority must also be in accordance with the requirements of Public Record Office Standard PROS 20/02 Storage.

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### Concurrence of Public Office

This Authority has the concurrence of:

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Name: Robert J Hastings

Position: Commissioner, Corrections Victoria

Date: 29/12/2011

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Name: Simon Whelan

Position: Chairperson, Adult Parole Board

Date: 17/02/2012

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### Establishment of Standard

Pursuant to Section 12 of the *Public Records Act 1973*, I hereby establish these provisions as a Standard (also known as a Retention and Disposal Authority) applying to Adult Parole Board. This standard as varied or amended from time to time, shall have effect for a period of ten (10) years from the date of issue unless revoked prior to that date.

[signed]

**Justine Heazlewood**, Director & Keeper of Public Records

Date of Issue: 13/03/2012

## Retention and Disposal Authority for Records of Adult Parole Board

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No	Function/Activity	Description	Status	Disposal Action
1	<b>GUIDELINE DEVELOPMENT</b>	The development of guidelines to assist the Adult Parole Board to make independent and appropriate decisions in relation to the release of prisoners on supervised conditional release or the cancellation of orders and return of offenders to prison.		
1.1	<b>Development of Parole Guidelines</b>	The development of guidelines for the determination of parole periods for offenders. The Board uses guidelines to assist in its decision-making, however each case is considered on its own merits and background.		
1.1.1		Records documenting the development of guidelines for parole.  Includes the development of guidelines for parole periods, release of prisoners from parole, and the cancellation of parole.	Permanent	Retain as State archives
1.1.2		Supporting documents, reference documents and other material used in the development of guidelines.	Temporary	Destroy 7 years after guidelines become superseded.
2	<b>OFFENDER CASE MANAGEMENT</b>	The case management and monitoring of offenders who are eligible for parole under the terms of their custodial Correctional Order.		
2.1	<b>Offender Monitoring and Management</b>	The assessment of applications from offenders to be placed on Correctional Orders and the monitoring and management of offenders. Includes the cancellation of orders and the return of offenders to prison if offenders fail to comply with the conditions of the order. Also includes the evaluation of		

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No	Function/Activity	Description	Status	Disposal Action
<i>OFFENDER CASE MANAGEMENT - Offender Monitoring and Management</i>				
		applications from offenders wishing to change their name.		
2.1.1		<p>Summary record of offenders appearing before the Adult Parole Board.</p> <p>Includes:</p> <ul style="list-style-type: none"> <li>• offenders name;</li> <li>• date of birth;</li> <li>• gender;</li> <li>• offender ID;</li> <li>• Serious Offender Status as defined in the <i>Sentencing Act 1991</i>;</li> <li>• Indigenous status;</li> <li>• determination of the Board</li> <li>• order type;</li> <li>• date of order;</li> <li>• date of parole;</li> <li>• eligibility for parole;</li> <li>• earliest date of release;</li> <li>• order expiry date;</li> <li>• conditions for the release of parole.</li> </ul>	Permanent	Retain as State archives
2.1.2		Records documenting the assessment of applications from offenders to be released into the community on	Temporary	Destroy 50 years after the conclusion of all

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*OFFENDER CASE MANAGEMENT - Offender Monitoring and Management*

		<p>Parole Orders after having served the minimum non parole period in prison as required by their sentence.</p> <p>Includes records documenting:</p> <ul style="list-style-type: none"> <li>• the nature and circumstances of the offence(s);</li> <li>• comments made by the judge when imposing the sentence;</li> <li>• the offender's criminal history;</li> <li>• previous history (if any) of supervision in the community;</li> <li>• potential risk(s) to the community and/or the individual offender;</li> <li>• release plans;</li> <li>• assessments and recommendations made by a variety of professionals, including medical practitioners, psychiatrists, psychologists, custodial staff and/or community corrections officers;</li> <li>• submissions made by the offender, the offender's family, friends and potential employers or any other relevant individuals;</li> <li>• representations made by the victim or by persons related to the victim;</li> <li>• representations made by the offender or others with an interest in the case;</li> <li>• outcome of the application.</li> </ul>		orders associated with the offence.
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No	Function/Activity	Description	Status	Disposal Action
<i>OFFENDER CASE MANAGEMENT - Offender Monitoring and Management</i>				
		[For monitoring of offenders on parole, see the <i>Retention &amp; Disposal Authority for Corrections Victoria.</i> ]		
2.1.3		<p>Records documenting the assessment, management and monitoring of applications from offenders released into the community on Home Detention Orders.</p> <p>Includes the assessment of offender applications for variance of Home Detention Orders, or the cancellation of Home Detention Orders by the Board.</p> <p>Includes records of assessments regarding the suitability of the offender for detention in the home and records documenting the assessment and consent of persons who are to reside with the offender.</p>	Temporary	Destroy 50 years after the conclusion of all orders associated with the offence.
2.1.4		<p>Records documenting the monitoring of persons on Extended Supervision Orders under the <i>Serious Sex Offenders (Detention and Supervision) Act 2009</i>.</p> <p>Includes records relating to the making of Emergency Declarations, defined by where an offender may feel threatened, including the consideration of any submissions made by offenders and victims. Also includes the making of any warnings, instructions or directions concerning applications for variations to Extended Supervision Orders.</p>	Temporary	Destroy 99 years after the conclusion of all orders associated with the offence.
2.1.5		Records documenting the evaluation of applications from offenders on parole or Extended Supervision	Temporary	Destroy 99 years after conclusion of all orders



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No	Function/Activity	Description	Status	Disposal Action
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*OFFENDER CASE MANAGEMENT - Offender Monitoring and Management*

		<p>Orders under the <i>Serious Sex Offenders (Detention and Supervision) Act 2009</i> for approval to change their name.</p> <p>Includes the evaluation of all applications whether approved or rejected.</p>		<p>associated with the offence.</p>
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